

**REMARKS**

Claims 1-22, 28-38, and 40-47 are pending. Claims 1-4, 6-7, 12-22, 24-27, 37-38, and 40-47 are rejected under 35 U.S.C. § 102(c). Claims 8-11 and 28-34 are allowed. Claims 5, 23, and 39 are objected to as being dependent upon a rejected basic claim, but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims. Claims 1, 3-7, 12-22, 37-38, and 40-47 are amended. Claims 23-27 and 39 are cancelled without prejudice.

Claim 1 is rejected under 35 U.S.C. § 102(e) as being anticipated by Rashid-Farrokhhi et al. (U.S. Pat. No. 6,400,780). Claim 1 is amended to recite "A method of communicating data between a transmitter having a plurality of antennas and at least one remote receiver, the method comprising the steps of: **phase shifting a plurality of data communication signals from a respective plurality of channels** to generate derived versions of each data communication signal, each derived version of each data communication signal having a respective signal phase shift; **transmitting the derived versions of each data communication signal to respective antennas within the plurality of antennas**; and providing a distinct delay associated with each derived version of each data communication signal and its respective antenna." (emphasis added). The plurality of channels are shown at Figure 2 (202, 204, and 206) of the instant specification. Derived versions of each data communication signal are applied to respective antennas. Rashid-Farrokhhi et al. do not disclose the step of phase shifting a plurality of data communication signals from a respective plurality of channels as required by claim 1. Furthermore, Rashid-Farrokhhi et al. do not disclose transmitting derived versions of each data communication signal from the plurality of channels to respective antennas. Thus, claim 1 and depending claims 2-7 are patentable under 35 U.S.C. § 102(e) over Rashid-Farrokhhi et al.

Independent claim 12 is rejected under 35 U.S.C. § 102(e) as being anticipated by Rashid-Farrokhhi et al. Claim 12 is amended to recite "A communication system comprising: a transmitter having a plurality of spaced apart antennas; **a channel measurement circuit coupled to the plurality of spaced apart antennas and arranged to produce a path profile estimate in**

**response to a signal from a remote transmitter; a channel input terminal coupled to receive a data communication signal; and a delay circuit operatively coupled between the channel input terminal and the plurality of spaced apart antennas providing a distinct delay in the data communication signal in response to the path profile estimate.”** (emphasis added). Rashid-Farrokhi et al. do not disclose the emphasized features of claim 12. Thus, claim 12 and depending claims 13-17 are patentable under 35 U.S.C. § 102(e) over Rashid-Farrokhi et al.

Claim 23 depends directly from independent claim 18. Claim 18 has been rewritten to include the limitations of claim 23. Claim 23 is cancelled without prejudice. Thus, claim 18 and depending claims 19-22 are patentable under 35 U.S.C. § 102(e) over Rashid-Farrokhi et al.

Claim 39 depends directly from independent claim 37. Claim 37 has been rewritten to include the limitations of claim 39. Claim 39 is cancelled without prejudice. Thus, claim 37 and depending claims 38 and 40-41 are patentable under 35 U.S.C. § 102(e) over Rashid-Farrokhi et al.

Independent claims 42 and 45 are rejected under 35 U.S.C. § 102(e) as being anticipated by Rashid-Farrokhi et al. Claims 42 and 45 are amended to recite **“a transmitter having a plurality of spaced apart antennas suitable for communication with at least one remote receiver . . . and a delay element providing a distinct delay associated with each antenna in response to a signal from the at least one remote receiver.”** Rashid-Farrokhi et al. do not disclose the emphasized features of claims 42 and 45. Thus, claim 42-47 are patentable under 35 U.S.C. § 102(e) over Rashid-Farrokhi et al.

In view of the foregoing, applicants respectfully request reconsideration and allowance of claims 1-7, 12-22, 37-38, and 40-47. If the Examiner finds any issue that is unresolved, please call applicants' attorney by dialing the telephone number printed below.

Respectfully submitted,



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